

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re:

RICHARD M. OSBORNE,
Debtor.

Case No. 17-17361-aih
Chapter 7
Judge Arthur I. Harris

**FIRST NATIONAL BANK OF PENNSYLVANIA'S LIMITED OBJECTION TO
THE DEBTOR'S AMENDED MOTION TO EMPLOY JOHN K. LANE AND
THE FIRM OF INGLEWOOD AND ASSOCIATES AS VALUATION EXPERT**

First National Bank of Pennsylvania ("FNBPA"), by and through its undersigned counsel, hereby files its limited objection to the *Amended Motion . . . to Employ John K. Lane and the Firm of Inglewood and Associates as Valuation Expert* [Docket No. 465] (the "**Motion to Employ**") filed by Richard M. Osborne, Sr., the debtor in the above-captioned case (the "**Debtor**"). In support, FNBPA states as follows:

In general, FNBPA does not disagree that the Debtor's business entities need to be valued. However, an evidentiary hearing on FNBPA's *Motion to Appoint a Chapter 11 Trustee* [Docket No. 309] (the "**Trustee Motion**") and the *Motion of the United States Trustee for Entry of an Order Converting Case to a Chapter 7* [Docket No. 439] (the "**Motion to Convert**") is scheduled to take place on July 3, 2019 (the "**Hearing**"). The Debtor did not file the Motion to Employ until June 11, 2019 – only twenty-two days before the Hearing (which has been continued two times already). Thus, FNBPA respectfully submits that the Motion to Employ should be held in abeyance pending a ruling on the Trustee Motion and the Motion to Convert. In the event the Court grants either of the Trustee Motion or the Motion to Convert, the chapter 11 trustee or the chapter 7 trustee can retain an expert of his or her own choice

to value the Debtor's business entities pursuant to terms agreeable to the trustee. If the Court declines to grant either of those motions, then Mr. Lane's employment can be considered at that time.

Wherefore, based upon all of the foregoing, FNBPA requests the entry of an order denying the Motion to Employ without prejudice or holding any ruling on the Motion to Employ in abeyance pending a ruling on the Trustee Motion and the Motion to Convert.

Respectfully submitted,

/s/Heather E. Heberlein

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CL2-496758-v1

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 25, 2019, true and correct copies of the foregoing are being served via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

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